

### **REMARKS**

In the Restriction Requirement dated August 16, 2007, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 22-28 and 50-52, drawn to identifying foreground and background pixels with respect to a threshold, classified in class 382, subclass 130.
- II. Claims 29-30, drawn to calculating a quality measure for each image with respect to a rate of change, classified in class 382, subclass 131.
- III. Claims 1-21 and 31-39, drawn to generating a mask and a difference image, classified in class 382, subclass 132.
- IV. Claims 40-44, drawn to "generating a composite image as a function for each composite pixel" classified in class 382, subclass 130.
- V. Claims 45-49, drawn to a system including a contrast agent, classified in class 382, subclass 167.

Applicant elects, without traverse, Group III, claims 1-21 and 31-39. Applicant respectfully cancels claims 22-30 and 40-52 (Groups I, II, IV, and V) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more applications at a later date.

Furthermore, Applicant has cancelled claims 5, 15, 18, 33, and 37 to reduce the number of claims to no greater than 5 independent claims and 25 dependent claims. Such claims are cancelled without prejudice or disclaimer, and Applicant reserves the right to reintroduce them in one or more applications at a later date. Claims 4, 14, and 36 are amended to more clearly define the claimed subject matter.

In sum, claims 4, 14, and 36 are amended, claims 5, 15, 18, 22-30, 33, 37, and 40-52 are canceled, and no claims are added; as a result, claims 1-4, 6-14, 16, 17, 19-21, 31, 32, 34-36, 38, and 39 remain pending in this application.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

September 17, 2007

By

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**CERTIFICATE UNDER 37 CFR 1.8.** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of September, 2007.

Name

Dawn M. Poole

Signature

Dawn M. Poole